IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

CRP.No. 752 of 2003(H)

RCA.217/1997 of ADDL. DISTRICT COURT, THALASSERY
RCP.329/1996 of RENT CONTROL COURT, KANNUR

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REVN. PETITIONER: RESPONDENT/RESPONDENT

V.K.SREEDHARAN S/O. KELAN,
RESIDING AT KANNUR -II, AMSOM, THALIKKAVU WARD,
KANNUR TALUK.

BY ADV. SRI.K.P.DANDAPANI

RESPONDENTS: APPELLANT/PETITIONER

KERALA VYAPARI VYAVASAYI EKOPANA SAMITHI
KANNUR DISTRICT COMMITTEE, KANNUR,
REPRESENTED BY ITS PRESIDENT, KUNHAN
S/O. VARUTHAPPAN, KANNUR 1 AMSOM DESOM,
BUSINESS, KANNUR TALUK.

BY ADV. SRI.SERGI JOSEPH THOMAS

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 08/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON C.M.P. NO. 1826/2003 IN C.R.P. NO. 752 OF 2003

DISMISSED

08.01.2007 SD/- K.A. ABDUL GAFOOR, JUDGE.

SD/- K.R. UDAYABHANU, JUDGE.

/True Copy/

P.A. to Judge.

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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C.R.P. NO. 752 OF 2003

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Dated this the 8th day of January 2007

ORDER

Udayabhanu,J

The petitioner is the tenant who is under orders of eviction under section 11(4)(v). The Appellate Authority relied on the observations and evidence of the Commissioner in the commission report, particularly the fact that the Commissioner has reported that the room was seen locked with two rusted locks and many waste papers and other waste materials including an abandoned trolly were found dumped at the verandah of the room. The Commissioner has also reported, it was noted, that there were old cob-webs and waste materials in the verandah indicating the fact that the room is now not being occupied by anybody. The Appellate Authority has noted that it is evident from the Commission report and the evidence of the Commissioner that even access to the room is seen blocked by waste materials etc. Moreover the tenant has not testified before the court. It is in evidence that the petitioner/tenant is running cinema theater etc. We find no reason for interference.

2. Counsel for the tenant/Revision Petitioner has prayed for six months time to vacate the premises which was opposed. In view of the fact that the room is not being put to use at all and also considering the fact that the rent is only 80 per month, We find no reason to allow the prayer to grant time to vacate the room.

In the result, the CRP is dismissed in limine.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

RV